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MEMO ENDORSED:

The October 8, 2020
conference is adjourned sine
die.

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October 1, 2020

SO ORDERED.

By ECF

Dated: October 2, 2020

Hon. Paul G. Gardephe,
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, NY 10007

Re: *K.M., et al. v. N.Y.C. Dep't of Educ.*, 20-cv-934 (PGG)(OTW)

Dear Judge Gardephe,

I am attorney for Plaintiffs in the above-referenced action. I write to submit a joint request with attorney for Defendant to waive and/or adjourn the October 8, 2020 Initial Pretrial Conference (Docket No. 15) *sine die*.

This case concerns the parties' dispute about reasonable attorneys' fees and implementation of relief awarded as a result of an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*

An Initial Pretrial Conference is not necessary in this matter as both parties have jointly developed a proposed Civil Case Management Plan and Scheduling Order, in accordance with Federal Rules of Civil Procedure 16 and 26(f). Moreover, the case involves limited discovery, and the parties agree that the matter will be decided by way of post-discovery dispositive motion practice. The parties have and continue to make progress toward settlement and forgoing the Initial Pretrial Conference will allow the parties to continue settlement negotiations without the accrual of additional fees. In the event settlement negotiations fail, the parties will submit letters to the Court regarding post-discovery dispositive motions in accordance with Rule 4(A) of the Court's Individual Practices by the dates specified in paragraph 10 of the proposed Civil Case Management Plan and Scheduling Order. At this time, the parties continue toward working to settle this case and are hopeful that settlement can be achieved without the need for motion practice.

For these reasons, the parties jointly request that the Initial Pretrial Conference be waived and/or adjourned *sine die*.

Respectfully submitted,

/s/ Kevin M. Mendillo
Kevin M. Mendillo

cc: Theresa Dernbach (via ECF)
Attorney for Defendant

